

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VERIZON DIRECTORIES CORP.,

Plaintiff,

— against —

DAVID OSTAD and PARK AVENUE PLASTIC
SURGERY, P.C.,

MEMORANDUM and ORDER
GRANTING DEFAULT
JUDGMENT

05-CV-4887 (SLT)(KAM)

Defendants.

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TOWNES, United States District Judge:

Plaintiff, Verizon Directories Corp., now Idearc Media Corp. Douglas Meyerhoff, brings a breach of contract action against defendants David Ostad and Park Avenue Plastic Surgery, P.C. to collect \$189,061.74. Plaintiff alleges that defendants defaulted on contractual payments owed to plaintiff.

Plaintiff moves for default judgment. On April 18, 2008, Magistrate Judge Kiyo A. Matsumoto issued her Report and Recommendation (“R&R”) recommending that this Court enter judgment for plaintiff against defendant Ostad in the amount of \$144,836.17 (consisting of \$121,552.90 in unpaid principal and \$23,283.27 in prejudgment interest), plus per diem prejudgment interest of \$24.98 from the date of the R&R to the date judgment is entered. Magistrate Judge Matsumoto also recommends that judgment be entered for plaintiff against defendant Park Avenue in the amount of \$77,388.66 (consisting of \$67,107.43 in unpaid principal and \$10,281.23 in prejudgment interest), plus per diem prejudgment of \$11.03 from the date of the R&R to the date that judgment is entered. Magistrate Judge Matsumoto also recommends that post-judgment interest be awarded pursuant to 28 U.S.C. § 1961. Plaintiff filed affidavits of service on April 18, 2008 and April 21, 2008 establishing that plaintiff served both defendants with the R&R.

Defendants have not filed any objections. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. *See* Advisory Comm. Notes to Fed. R. Civ. P. 72(b); *accord Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); *McKoy v. Henderson*, No. O5 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007).

Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

The Clerk of Court is directed to enter default judgment in favor of plaintiff. Against defendant Ostad, plaintiff is awarded \$144,836.17, plus per diem prejudgment interest of \$24.98 from the date of the R&R to the date judgment is entered. Plaintiff is also awarded \$77,388.66 against defendant Park Avenue in addition to a per diem prejudgment of \$11.03 from the date of the R&R to the date that judgment is entered.

SO ORDERED.

Dated: Brooklyn, New York
July 15, 2008

Sandra L. Townes
SANDRA L. TOWNES
United States District Judge